

**REMARKS**

Claims 1-5 are pending in the present application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Claims 1-5 rejected under 35 USC 102(e) as being anticipated by Lim (US006349224B1).

Under 35 USC 102(e), prima facie case of anticipation is established when the Examiner provides a single prior art or a reference that either expressly or inherently describes each and every element and that the elements are arranged as required by the claim.

In the rejection of independent claims 1 and 4, the Examiner relies upon Lim, more specifically column 3 lines 7-40, figure 5, column 4 lines 30-46 and 46-49, column 4 lines 50-66 and column 4 lines 66-column 5 line 14 of Lim reference. Lines 7-40 of column 3 are cited to show an apparatus for providing mobile-to-mobile connectivity. Figure 5 is cited to show communication system according to an object of the invention of Lim's patent. Column 4 lines 36-46, are cited to show an example of initiation process according to Lim's patent. Column 4 lines, 46-49 are cited merely to show that a base station uses an identification number when communicating with MSC. Text starting at column 4 line 66 through column 5 line 14 are cited merely to show the communication between originating and terminating sides of mobile terminal according to Lim's patent.

Upon review of the Lim, the reference appears not to describe, among other elements, the recitation of "routing said asynchronous data communication to said second wireless communication device *without the use of a modem if said initial communication comprises a request to initiate said asynchronous communication* and said second wireless communication device is operating within said wireless communication system." The Examiner seems to make an inference that use of TCP (as discussed at column 5 lines 5-15) is describing "second wireless device without the use of a modem." However, the reference appears not to arrange the elements as required by the claim. The Lim reference fails to describe the recitation of "*determining if an initial communication from a first wireless communication device operating in a wireless communication system comprises a request to initiate an asynchronous data communication*"

which is used to determine if a modem will be used. Accordingly, Lim reference fails to describe each and every element and arranged as required by the claim 1 and 4.

Therefore, independent claims 1 and 4, are believed to be patentably distinguishable and in condition of allowance. Also, the dependent claims 2-3 and 5, which include the recitations of their respective parent claims 1 and 4, respectively, are believed to be patentably distinguishable for the same reasons as those provided with respect to their parent claims and are in condition of allowance.

**CONCLUSION**

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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